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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,561

03/25/2004

Kenichi Ide

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09/20/2006

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EXAMINER

LEE, CHUN KUAN

ART UNIT

PAPER NUMBER

2181

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,561

Applicant(s)

IDE, KENICHI

Examiner

Chun-Kuan (Mike) Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



FRITZ FLEMING

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/25/04, 9/6/05 and 10/13/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 9/15/2006
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

Group I: claims 1-17 discloses the embodiment that the communication (external) device does not communicate during the first time, therefore no response is provided, and the communication (external) device does communicate during the second time, therefore response is provided.

Group II: claim 18 discloses the embodiment that the communication (external) device does communicate during the first time, therefore response is provided, and the communication (external) device does not communicate during the second time, therefore no response is provided.

2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

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is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

3. During a telephone conversation with Attorney William Schaal on September 13, 2006 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-17. Affirmation of this election must be made by applicant in replying to this Office action. Claim 18 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, it appears unclear as to how does a connection object, which is disclosed in the specification as a device (Specification, [0020]), coming out of the

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external device, more specifically, it appears unclear regarding the claimed limitation "coming out," such that is the connection object physically coming out of the external device, or something else? What is the relationship between the external device and the connection object? As the specification appears to disclose the invention which detect and connect to a device, the examiner will assume "detecting one of the external device as a connection object" for the current examination.

As per claims 5, 7 and 11, it appears unclear if "an external device" is a new external device or the external device that is recited in the independent claim 1. Examiner will assume "the external device" for the current examination.

As per claim 10, it appears unclear if "a connection object" is a new connection object or the connection object that is recited in the independent claim 1. Examiner will assume "the connection object" for the current examination.

As per claims 2-4, 6, 8-9 and 12-15, claims 2-4, 6, 8-9 and 12-15 are rejected at least due to direct or indirect dependency on the rejected independent claim 1.

As per claims 16 and 17, similar uncertainty as discussed above in the independent claim 1 is applied to the "first communication device coming out of the communication device," wherein the uncertainty exists between the first communication device and the communication device. Further more, it appears unclear how the "communication device" which the first communication device came out of during the detecting step relate to the "communication device" in the steps which output the inquiries. Examiner will assume "detecting one of the communication device as the first communication device" for the current examination.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6-9 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al. (US Patent 6,170,026).

6. As per claim 1, Kimura teaches a communication device for communicating with an external device, comprising:

a communication unit (mobile module 11 of Fig. 2) which communicates with an external device (Fig. 2, ref. 31, 33), wherein the mobile module communicates with the plurality of peripheral devices;

means for searching an external device surrounding the communication device through the communication unit both for a first time and for a second time (Fig. 9-9A and col. 5, l. 37 to col. 6, l. 12), wherein the mobile module searches for the peripheral devices during the first time before the disconnection, in order to obtain a list of devices before disconnection, and searches for the peripheral devices during the second time, after the reconnection, to obtain a list of all devices currently connected;

means for receiving a response from an external device corresponding to the searching (Fig. 9-9A and col. 5, l. 37 to col. 6, l. 12), wherein the peripheral devices would respond each corresponding time in order for the mobile module to determine which of the peripheral devices are connected;

means for detecting one of the external device as a connection object that did not provide a response within the first time, and did provide a response within the second time (Fig. 9-9A and col. 5, l. 37 to col. 6, l. 12), as the peripheral device is not connected to the docking module during the first time and is connected to the docking module during the second time; and

means for establishing a communication connection with the connection object detected by the detecting means (Fig. 9A and col. 5, l. 62 to col. 6, l. 26), wherein the communication connection is established with the newly detected peripheral device.

7. As per claim 2, Kimura teaches the communication device for communicating with the external device, comprising wherein the first time is variable (Fig. 9 and col. 5, ll. 49-61), wherein the first time would be depend on the number of peripheral devices that are currently connected, during the first time, as more peripheral devices would require more time and lesser peripheral devices would require lesser time.

8. As per claim 3, Kimura teaches the communication device for communicating with the external device, comprising wherein the first time is until the total number of devices which have provided a response does not change within a given time period (Fig. 9 and col. 5, ll. 49-61), wherein the first time is implemented until all peripheral devices configurations are save.

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9. As per claim 4, Kimura teaches the communication device for communicating with the external device, comprising wherein the second time is variable (Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the second time would be depend on the number of peripheral devices that are currently connected, during the second time, as more peripheral devices would require more time and lesser peripheral devices would require lesser time.

10. As per claim 6, Kimura teaches the communication device for communicating with the external device, comprising wherein the second time is until the total number of devices which have provided a response does not change within a given time period (Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the second time is implemented until all peripheral devices are properly configured.

11. As per claim 7, Kimura teaches the communication device for communicating with the external device, comprising wherein the response includes a device information indicating attribute of the external device (col. 5, l. 61 to col. 6, l. 26), wherein the mobile module would implement a comparison in order to determine if the peripheral device is new or not, and the comparison would require the response provided by the peripheral devices to include their corresponding attribute in order distinguish the peripheral devices from one another and determine if the corresponding peripheral device was previously connected or is newly connected .

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12. As per claim 8, Kimura teaches the communication device for communicating with the external device, comprising further comprising means for storing attribute information showing the attribute which the device to be detected as the connection object should comprise (col. 5, ll. 37-61), wherein the attribute information is stored on the hard drive.

13. As per claim 9, Kimura teaches the communication device for communicating with the external device, comprising wherein the detecting means comprises:

means for extracting a device information of the external device from that the receiving means did not receive the device information for the first time, that the receiving means did receive the device information for the second time, and that coincides with the attribute shown by the attribute information stored in the storing means (Fig. 9-9A and col. 5, l. 37-65), wherein the device information is extracted from the hard drive for implementing the comparison in order to determine if the peripheral device is the newly connected peripheral device; and

means for selecting the external device extracted by the extracting means as the connection object (Fig. 9A and col. 5, l. 61 to col. 6, l. 26).

14. As per claim 14, Kimura teaches the communication device for communicating with the external device, comprising wherein the communication unit comprises a wireless communication device (col. 3, ll. 40-52).

15. As per claim 15, Kimura teaches the communication device for communicating with the external device, comprising wherein the communication unit comprises a wired communication device (col. 3, ll. 40-52).

16. As per claim 16, Kimura teaches a method for detecting a communication device as connection object, comprising the steps of:

setting a first communicating device (Fig. 2, ref. 31, 33) in a first condition in which the first communication device does not communicate for a first time, and in a second condition in which the first communication device does communicate for a second time (col. 5, l. 37 to col. 6, l. 12), wherein the first condition is when the first communication device is not connected and wherein the second condition is when the first communication device is connected;

searching a communication device which surrounds a second communication device (mobile module 11 of Fig. 2, 11) and is able to communicate the second communication device both for the first time and for the second time (Fig. 9-9A and col. 5, l. 37 to col. 6, l. 12), wherein the mobile module communicate with the peripheral device both during the first time (before disconnection) and during the second time (after re-connection) in order to obtain the list of peripheral devices connected during the corresponding first time and second time; and

detecting one of the communicating device as the first communicating device that did not communicate in the first time, and that was able to communicate in the second time (Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the first communication device is

not connected during the first time and is connected during the second time, therefore detecting the first communication device as the newly connected peripheral device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 5, 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US Patent 6,170,026) in view of Jonsson et al. (US Pub.: 2003/0036350).

18. As per claims 5 and 10, Kimura teaches all the limitations of claims 1 and 4 as discussed above, wherein Kimura further teaches the communication device for communicating with the external device, comprising:

wherein the second time is until the receiving means receives a response from all external device;

mean for display including a display (Fig. 2, ref. 31); and

mean for inputting including a keyboard (Fig. 2, ref. 33);

Kimura does not teach the communication device for communicating with the external device, comprising:

wherein the second time is until the receiving means receives the response from the external device that the receiving means did not receive the response provided for the first time, and

wherein the detecting means comprises:

means for displaying the external devices detected by the detecting means when the external devices detected are two or more but within a predetermined number; and

means for inputting information indicating one of the external devices selected as the connection object, wherein the establishing means establishes the communication connection with the external device indicated by the information from the inputting means.

Jonsson teaches a system and a method comprising:

receiving two or more devices responding to an inquiry for connection ([0005]);

presenting on a display all the answering devices to a user ([0005]);

the user selecting one of the answering devices to connect to and the connection would be established between the user and the selected device ([0005]).

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to include Jonsson's presenting and selecting of the device into Kimura's communication device. The resulting combination of the references further teaches the communication device for communicating with the external device, comprising wherein the detecting means comprises:

wherein the second time, which the user attempts to connect to the new peripheral device and the user would obviously implement the attempt to establish

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connection until the response is received from the new peripheral device (i.e. external device) in order to implement the desired connection;

presenting all the answering devices detected on the display, wherein all the answering devices includes two or more devices; and

selecting by using the keyboard which one of the answering device to connect to, and connection is established in accordance the corresponding selected device.

Therefore, it would have been obvious to combine Jonsson with Kimura for the benefit of implementing a well known method to properly establish the connection to the desired device when a plurality of devices is detected and available for connection (Jonsson, [0005]).

19. As per claim 17, Kimura teaches a method for establishing a radio connection between communication devices, comprising the steps of:

setting a first communication device in a first condition in which the first communication device does not respond during a first time (Fig. 9 and col. 5, ll. 37-61), wherein the first communication device does not response during the first time because the first communication device is not connected;

a second communication device (mobile module 11 of Fig. 2) searching for a predetermined time so as to receive response from a communication device surrounding the second device during the first time (Fig. 9 and col. 5, ll. 37-61), wherein the second communication device search in order to gather a list of all peripheral device connected;

setting the first communication device in a second condition in which the first communication device does respond during a second time (Fig. 9-9A and col. 5, l. 37 to col. 6, l. 12), wherein the first communication device responds during the second time because the first communication device is now connected as the new peripheral device;

the second communication device searching for a predetermined time so as to receive response from a communication device surrounding the second device during the second time (Fig. 9-9A and col. 5, l. 37 to col. 6, l. 12), after the mobile module is reconnected, the mobile module would then search which of the peripheral devices are currently connected in order to obtain the list of all current peripheral device that are connected, such searching would be implemented until all device are configured properly;

detecting one of the communicating device as the first communicating device that did not respond during the first time and did respond during the second time (Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the first communication device is not connected during the first time and is connected during the second time, therefore detecting the first communication device as the newly connected peripheral device; and

establishing a communicating connection between the first communication device and the second communication device (Fig. 9A and col. 5, l. 61 to col. 6, l. 26), wherein the communication connection is established with the newly detected peripheral device (i.e. first communication device).

Kimura does not teach the method for establishing the radio connection between communication devices, comprising the steps of:

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setting the first communication device to respond or not to respond to an inquiry;
and

outputting the inquiry from the second communication device;

Jonsson teaches a system and a method comprising:

a source device (i.e. second communication device) receiving devices (i.e. first communication device) responding to an inquiry for connection ([0005]), wherein the source device would have outputted the corresponding inquiry; and

selecting one of the answering devices to connect to and the connection would be established between the source device and the selected device ([0005]).

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to include Jonsson's inquiry into Kimura's radio connection method. The resulting combination of the references further teaches the method for establishing the radio connection between communication devices, comprising the steps of:

setting the first communication device in the first condition, during the first time, which does not respond to the inquiry;

outputting the first inquiry by the second communication device during the first time for the predetermined time so as to receive response from the communication device surrounding the second device;

setting the first communication device in the second condition, during the second time, which the first communication device responds to the inquiry

outputting the second inquiry by the second communication device during the second time for a predetermined time so as to receive response from the communication device surrounding the second device;

detecting one of the communicating device as the first communicating device that did not respond to the first inquiry and did respond to the second inquiry; and

establishing a communicating connection between the first communication device and the second communication device.

Therefore, it would have been obvious to combine Jonsson with Kimura for reason stated above in claims 5 and 10.

20. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US Patent 6,170,026) in view of Sekiyama (US Patent 6,427,115).

Kimura does not teach the communication device for communicating with the external device, comprising:

means for informing that searching in the first time is complete, wherein the informing means comprises a speaker; and

means for inputting instruction which requests the searching means to search the external device for the second time, wherein the inputting means comprises an audio input device for input of the instruction.

Sekiyama teaches a system and a method comprising:

informing that searching is complete by utilizing a speaker (Fig. 1, ref. 18) (col. 4, ll. 9-14 and col. 6, ll. 22-46); and

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requesting for implementing an instruction for searching by utilizing a microphone (Fig. 1, ref. 16) (col. 4, ll. 9-14 and col. 6, ll. 22-46).

It would have been obvious to one of ordinary skill in this art, at the time of invention was made to include Sekiyama's speaker and microphone into Kimura's communication device. The resulting combination of the references further teaches the communication device for communicating with the external device, comprising:

utilizing the speaker to inform that the searching during the first time is complete;
and

utilizing the microphone to input the instruction for searching for the external device during the second time.

Therefore, it would have been obvious to combine Sekiyama with Kimura for the benefit of implementing the communication device to operate as a hands-free communication device (Sekiyama, col. 8, ll. 31-37).

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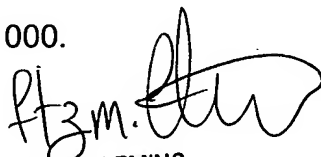
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun-Kuan (Mike) Lee whose telephone number is (571) 272-0671. The examiner can normally be reached on 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz M. Fleming can be reached on (571) 272-4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.K.L.
09/14/2006


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